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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: ERNEST et al.

APPLICATION NO.: 10/761,813

FILING DATE: Jan. 21, 2004

TITLE: DISPOSABLE URINE
COLLECTION DEVICE

§ ATTY DOCKET NO.: 24126.3

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EXAMINER: Khoa D. Huynh

ART UNIT: 3751

INTERVIEW SUMMARY

Dear Sir:

Applicant's undersigned attorney conducted a telephone interview with Examiner Huynh on September 12, 2006, concerning the Office Action dated July 6, 2006. Welch et al. (U.S. 4,781,713), Jacovitz (U.S. 5,438,708), and Oster (U.S. 5,473,789) were discussed in connection with claim 20. Agreement was reached that claim 20, as amended, and its dependent claims are allowable over the art of record.

In the interview, Applicant's attorney explained that the rejection of claim 20 under 35 U.S.C. § 103(a) based on Welch et al. and Jacovitz is not appropriate because those references are not properly combinable. Specifically, to combine those references in the manner set forth by the Examiner in the subject Office Action would render the device disclosed in each of those references inoperable for its intended purpose, which is impermissible under MPEP §§ 2143.01 & 2145. In light of that, the remaining rejections in the subject Office Action are moot. The Examiner also referred to Oster. It was agreed that claim 20, which has been amended to clarify that the pad is preformed, patentably distinguishes over Oster as well.

Applicant wishes to thank the Examiner for his time and consideration in the interview.
The Commissioner is authorized to charge any required fees for this submission or credit any overpayment to Deposit Account No. 03-3483.

Respectfully submitted,

Court B. Allen

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